



3624
EW
17243-00020
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Abbott et al. :
Serial No.: 09/769,121 : Art Unit: 3624
Filed: January 24, 2001 : Examiner: Narayanswamy Subramanian
For: METHODS AND SYSTEMS :
FOR FINANCING AND :
EXECUTING TRANSACTIONS :

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

1. Transmitted herewith is:
Transmittal (3 pgs., in duplicate); Response to Restriction Requirement in response to Office Action dated July 6, 2005 (3 pgs.); Return post card

STATUS

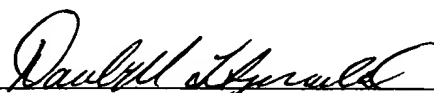
2. Applicant
☐ claims small entity status.
☒ is other than a small entity.

CERTIFICATE OF MAILING BY EXPRESS MAIL TO
THE COMMISSIONER FOR PATENTS

Express Mail Label No.: EV593384304US

Date: July 27, 2005

I hereby certify that the documents listed above are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Daniel M. Fitzgerald, Reg. No. 38,880

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(complete (a) or (b), as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. 1.136
(Fees: 37 C.F.R. 1.17(a)-(d) for the total number of months checked below:)

Extension for response within:	Other than small entity Fee	Small entity Fee (if applicable)
<input type="checkbox"/> first month	\$ 120.00	\$ 60.00
<input type="checkbox"/> second month	\$ 450.00	\$ 225.00
<input type="checkbox"/> third month	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> fourth month	\$ 1,590.00	\$ 795.00
<input type="checkbox"/> fifth month	\$ 2,160.00	\$1,080.00
	Fee Due	\$ _____

If an additional extension of time is required, please consider this a petition therefor.
(Check and complete the next item, if applicable)

- ☐ An extension of _____ months has already been secured. The fee paid therefor \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY	OR	OTHER THAN SMALL ENTITY
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	ADDITIONAL RATE FEE		ADDITIONAL RATE FEE
TOTAL INDEP.	MINUS		=0	x \$25.00 = \$		x \$50.00 = \$
	MINUS		=0	x \$100.00 = \$		x \$200.00 = \$
—	FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			+ \$180.00 = \$		+ \$360.00 = \$
				TOTAL ADDITIONAL FEE \$	OR	TOTAL ADDITIONAL FEE \$

- (a) ☒ No additional fee for Claims is required

OR

- (b) ☐ Total additional fee for claims required \$

FEE PAYMENT

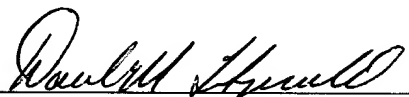
5. Attached is a check in the sum of \$
☐ Charge Deposit Account No. 01-2384 the sum of \$
A duplicate of this transmittal is attached.

FEE DEFICIENCY

6. ☒ If any additional extension and/or fee is required, charge Deposit Account No. 01-2384.

AND/OR

- ☒ If any additional fee for claims is required, charge Deposit Account No. 01-2384.
7. ☐ Other:



Daniel M. Fitzgerald
Reg. No. 38,880
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, MO 63102
314/621-5070



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RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Office Action mailed July 6, 2005 has been carefully reviewed and the following remarks have been submitted in consequence thereof. In response to the election requirement set forth in the Office Action, Applicants elect, with traverse, for prosecution in this application all claims of Group II as identified in the Office Action. Claims 24-49, drawn to a system for executing and financing transactions of goods and commodities for a parent company through a wholly owned financing subsidiary and a wholly owned trading company, are in the elected claim group.

Reconsideration of the restriction requirement imposed under 35 U.S.C. § 121 is respectfully requested. The restriction requirement is traversed because the inventions set out by the claims in Groups I and II are clearly related. Applicants submit that a thorough search and examination of either of these claim groups would be relevant to the examination of the other group and would not be a serious burden on the Examiner. Indeed, the claims of Group I and Group II are encompassed by a single class (Class 705) and a single subclass (35), and it is not evident how the searching of a single class and subclass could present an unreasonable burden on the Examiner. Because the claims in Groups I and II are encompassed by a single class and a single subclass, the assertion that the claim groups have acquired a separate status in the art

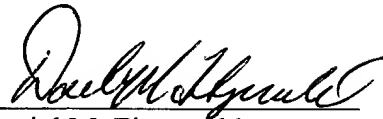
because of their recognized divergent subject matter is respectfully traversed and submitted to be unsupportable on the present record. Therefore, to the extent that the restriction requirement relies on this assertion, it is respectfully submitted that the restriction requirement is improper and should be withdrawn.

The restriction requirement with respect to the claims in Groups I and II is further traversed. Applicants submit that the Office Action has not shown that the claims of Group I are patentably distinct from the claims of Group II. Particularly, the Office Action has not shown that the claims of Groups I or II recite “two or more claimed subcombinations, disclosed as usable together in a single combination, and which can be shown to be separately usable” as required by MPEP § 806.05(d). Rather, the Office Action merely asserts that the “method of invention I can be performed by a system configuration different from what is claimed in invention II...Hence invention I has a different utility and scope than invention II.” Applicants respectfully traverse this assertion.

Applicants respectfully submit that the claims of Groups I are directed to a “method for executing and financing transactions of goods and commodities as a parent company” using a wholly owned financing subsidiary company and a wholly owned trading subsidiary company, and the claims of Group II are directed to a “system for executing and financing transactions of goods and commodities for a parent company through a wholly owned financing subsidiary and a wholly owned trading subsidiary”. Applicants therefore respectfully submit that the claims of Group I are not patentably distinct from the claims of Group II. Rather, the claims of Groups I and II are both directed to executing and financing transactions of goods and commodities for a parent company using a wholly owned financing subsidiary and a wholly owned trading subsidiary. Accordingly, Applicants submit that the restriction requirement is improper and reconsideration of the election requirement is requested.

In addition, requirements for restriction are not mandatory under 35 U.S.C. Accordingly, reconsideration of the restriction requirement is requested.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Daniel M. Fitzgerald", written over a horizontal line.

Daniel M. Fitzgerald
Registration No. 38,880
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070